

RHS, RBS, RUS, FSA, USDA

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be neglected. These are the essential expenses.

We absolutely must release to pay for essential family living and farm operating expenses; there are no exceptions to this. When deciding whether an expense is essential and when deciding how much to release, the choices we make must be rational, reasonable, fair and not extreme. They must be based on sound judgment, supported by facts, and explained to the borrower. Following these rules will help us avoid disagreements with borrowers.

[56 FR 15829, Apr. 18, 1991]

EXHIBIT F TO SUBPART A OF PART 1962 [RESERVED]

PART 1965—REAL PROPERTY

Subpart A—Servicing of Real Estate Security For Farm Loan Programs Loans and Certain Note-Only Cases

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EXHIBIT C TO SUBPART A—PROCESSING GUIDE [NOTE]

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Subparts B-E [Reserved]

AUTHORITY: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480.

Subpart A—Servicing of Real Estate Security for Farm Loan Programs Loans and Certain Note-Only Cases

SOURCE: 51 FR 4140, Feb. 3, 1986, unless otherwise noted.

§ 1965.1 Purpose.

This subpart delegates authority and prescribes policies and procedures for servicing real estate, leasehold interests, and certain note-only cases for Farmers Home Administration or its successor agency under Public Law 103-354 (FmHA or its successor agency under Public Law 103-354) Farmer Program (FP) loans. Security servicing for borrowers who have *both* FmHA or its successor agency under Public Law 103-354 FP and Single Family Housing (SFH) loans, (excluding Technical Assistance Grants and Site loans), will be

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according to this subpart. Security servicing for borrowers who are indebted for SFH loans only, will be according to subpart C of part 1965 of this chapter. Security servicing for Nonprogram (NP) loan(s) on farm real estate and chattel property will be according to subpart J of part 1951 of this chapter. For borrowers who have both a FP and NP loan, security servicing will be in accordance with the applicable FP regulations and subpart J of part 1951 of this chapter. This subpart does not apply to FmHA or its successor agency under Public Law 103–354 guaranteed loans, Rural Rental Housing (RRH) loans, Labor Housing (LH) loans, Business and Industrial (B&I) loans, Community Programs (CP) loans, Shift-in-Land-Use (Grazing Association) loans, Irrigation and Drainage (I&D) loans, or Indian Tribal Land Acquisition loans.

[58 FR 52654, Oct. 12, 1993]

§ 1965.2 General policies.

(a) The terms “nonprogram (NP)” and “ineligible” may be used interchangeably throughout this subpart but are identical in their meaning.

(b) FmHA or its successor agency under Public Law 103–354 will service real estate security in a manner that best accomplishes the loan objectives and protects the Government’s financial interest. To accomplish this, FmHA or its successor agency under Public Law 103–354 will service the real estate security in accordance with the security instruments and related agreements, including any authorized modifications and the provisions of this subpart.

(c) The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided that the applicant has the capacity to enter into a binding contract); because all or part of the applicant’s income is derived from any public assistance, program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law is the Federal Trade Commission, Equal Credit Opportunity, Washington, DC 20580.

(d) If the farm is situated in more than one State, county or parish, the loan will be serviced by the County Office servicing the county in which the borrower’s residence is located. If the borrower is a corporation, cooperative, partnership or joint operation or if the borrower’s residence is not on the farm, the loan will be serviced by the County Office servicing the county in which the farm or a major portion of the farm is located.

[51 FR 13482, Apr. 21, 1986, as amended at 58 FR 52654, Oct. 12, 1993]

§ 1965.3 Borrower’s responsibilities.

Each borrower is responsible for repaying principal and interest on a timely basis pursuant to the loan documents, paying real estate taxes in accordance with subpart A of part 1925 of this chapter, providing adequate property insurance in accordance with subpart A of part 1806 of this chapter (FmHA or its successor agency under Public Law 103–354 Instruction 426.1), maintaining, protecting, and accounting to the FmHA or its successor agency under Public Law 103–354 for all real estate security, and complying with other loan requirements.

[51 FR 4140, Feb. 3, 1986, as amended at 57 FR 36592, Aug. 14, 1992]

§ 1965.4 FmHA or its successor agency under Public Law 103–354’s responsibility.

The County Supervisor, District Director or other servicing official is responsible for informing borrowers of their responsibilities in connection with the loan, seeing that the security is being properly maintained and accounted for, and servicing the account and security in accordance with this subpart. When a borrower fails to maintain, protect, or account for the security, as required by the loan documents, or makes unauthorized disposition or use of any security, FmHA or its successor agency under Public Law 103–354 will institute prompt action to protect FmHA or its successor agency under Public Law 103–354’s interest. The County Supervisor, District Director or other servicing official will obtain any needed legal advice from the Office of the General Counsel (OGC) through the State Director. Once a